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April 5, 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**VIA COURIER**

William A. Caton, Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
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Washington, D.C. 20002

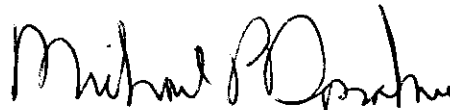
Re: Schools and Libraries Universal Service Support Mechanism, CC Docket
No. 02-67 Comments of Telecommunications for the Deaf, Inc.

Dear Mr. Caton:

On behalf of Telecommunications for the Deaf, Inc. ("TDI"), please find enclosed an original and four (4) copies of TDI's Comments in the above-referenced proceeding.

Please data stamp and return the enclosed extra copy of this filing in the self-addressed envelope provided. Should you have any questions, please do not hesitate to contact Michael Donahue at (202) 424-7683.

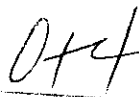
Respectfully submitted,



Priscilla A. Whitehead
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cc: Judith B. Herman
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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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APR - 5 2002

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)

Schools and Libraries Universal Service)
Support Mechanism)

CC Docket No. 02-6

**COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.**

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Dated: April 5, 2002

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SUMMARY

TDI, a national advocacy organization actively engaged in representing the interests of the twenty-eight million Americans who are deaf, hard of hearing, late-deafened, and deaf-blind, advocates that the FCC must ensure that schools and libraries that receive funds from the universal service support mechanism to promote information, education, and training to their communities about the telecommunications relay (“TRS”), and other services and equipment that can benefit people with hearing and speech disabilities to lead normal, productive lives.

In order to ensure that applicants and schools and libraries that receive discounts under the Commission’s program carry out their responsibilities to educate and provide information to the public concerning the availability of telecommunications relay services and other services and/or equipment, TDI recommends two revisions to the Commission’s regulations. First, recipients of universal service funding and/or discounts should be required to provide training and other information to their staff, students and patrons about different types of telephone relay services, including speech-to-speech (“STS”)¹ services and other services and equipment available for people with speech and hearing disabilities, as well as new TRS developments in Internet broadband technology, such as video-relay and IP or Internet protocol relay. Second, recipients of universal service funding and/or discounts should be required to maintain and make available through outreach programs, seminars, or other methods, information regarding TRS and STS, and how these services can be accessed for their constituencies that use their services.

TDI supports the suggestion that the Commission require applicants to certify that the services for which they seek discounts will be used in compliance with the ADA and related acts and, recommends further: (1) that such certification include compliance with the Individuals with

¹ STS is one of several types of telecommunications relay service, which is primarily designed for callers with speech impairments.

Disabilities Education Act of 1975 (“IDEA”),² and (2) applicants be required to certify that they will make available to the public information about TRS, and other services for individuals with hearing and speech disabilities.

TDI recommends that the Commission adopt specific rules authorizing the Administrator to require independent audits of applicants and recipients for ADA/IDEA and related laws compliance and evidence of outreach services on TRS and other services. TDI further recommends that any new rules requiring certification of ADA/IDEA and related laws compliance also include provisions revoking a recipient’s eligibility for discounts for failure to comply with such certification. Finally, TDI recommends that the Commission adopt rules that prohibit applicants and others that engage in willful or repeated failure to comply with the Commission’s rules from participating in the program for a specified number of years based upon the scope and frequency of such violations.

TDI’s recommendations, if adopted by the FCC, will enhance the contribution of schools and libraries to accessible community living. Such result would be empowering, and mutually beneficial to people with disabilities, including those with hearing or speech disabilities, as well as those without disabilities.

² 20 U.S.C. §§ 1400, *et seq.*

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

**COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.**

Telecommunications for the Deaf, Inc. ("TDI"), through undersigned counsel, hereby submits its Comments to the Federal Communications Commission's ("Commission") notice of proposed rulemaking ("NPRM") in the above-referenced proceeding.³

I. INTRODUCTION

TDI is a national advocacy organization actively engaged in representing the interests of the twenty-eight million Americans who are deaf, hard of hearing, late-deafened, and deaf-blind. TDI's mission is to promote equal access to broadband, media and telecommunications for the aforementioned constituency groups through consumer education and involvement, technical assistance and consulting, application of existing and emerging technologies, networking and collaboration, uniformity of standards, and national policy development and advocacy. Only through equal access will these twenty-eight million Americans be able to enjoy the opportunities and benefits of the telecommunications revolution to which they are entitled. Furthermore, only by ensuring equal access for all Americans will society benefit from the myriad skills and talents of persons with disabilities.

³ Notice of Proposed Rulemaking and Order, FCC 02-8 (rel. Jan. 25, 2002).

II. COMMENTS

The FCC must ensure that schools and libraries that receive funds from the universal service support mechanism to promote information, education, and training to their communities about the telecommunications relay (“TRS”), and other services and equipment that can benefit people with hearing and speech disabilities to lead normal, productive lives. Equally important, their fellow employees, employers, relatives, friends, business and service providers, and other community contacts, would be able to use most recently available technologies to engage conveniently in regularly personal or business communication, with individuals with hearing and speech disabilities, in the same way as with individuals without these disabilities. People with hearing and speech disabilities are often in the low-income brackets and the most isolated in the country. To make matters worse, people in this situation and their contacts are frequently deprived of or unable to obtain information about telecommunications access and related services that could improve their daily lives, as well as active collaboration in the marketplace and the community. Schools and libraries offer a potentially invaluable source of such information to people in their communities, and the universal service support mechanism is one method of ensuring that schools and libraries continue to serve this function, and improve the dissemination of information both to members of the community that need it most, and to other members of the public with whom they communicate.

In order to ensure that applicants and schools and libraries that receive discounts under the Commission’s program carry out their responsibilities to educate and provide information to the public concerning the availability of telecommunications relay services and other services and/or equipment, TDI recommends two revisions to the Commission’s regulations. First, recipients of universal service funding and/or discounts should be required to provide training and other information to their staff, students and patrons about different types of telephone relay

services, including speech-to-speech (“STS”)⁴ services and other services and equipment available for people with speech and hearing disabilities, as well as new TRS developments in Internet broadband technology, such as video-relay and IP or Internet protocol relay. Second, recipients of universal service funding and/or discounts should be required to maintain and make available through outreach programs, seminars, or other methods, information regarding TRS and STS, and how these services can be accessed for their constituencies that use their services.

Libraries that have computers available for public use to access the Internet should promote the two Internet-based relay technologies at those terminals. Additionally, web-cams should be provided so that deaf and hard of hearing members in the community may use the relay, because such broadband technologies may not be available at home.

A. There is a Critical Need for Training, Education, and Other Information about the Availability of TRS, STS and Other Services for Individuals who have Hearing and Speech Disabilities

According to a report by the National Center for Health Statistics, more than 23 million people are deaf or have a hearing disability, and more than 2.7 million people have a speech disability.⁵ Similarly, the U.S. Census Bureau 1992 Survey of Income and Program Participation noted that 10.9 million Americans have a functional limitation in “[h]earing what is said in a normal conversation” and 2.3 million have a functional limitation in “[h]aving one’s speech understood.”⁶ Access to TRS and similar services and equipment is essential to the function and capacity of a person with a speech or hearing disability to participate fully in society and to take advantage of the rapidly developing information age. TRS and other telecommunications services provides this

⁴ STS is one of several types of telecommunications relay service, which is primarily designed for callers with speech impairments.

⁵ Prevalence of selected chronic conditions: United States, 1990-1992.” National Center for Health Statistics. Vital Health Stat. 10(194), 1997.

⁶ President’s Committee on Employment of People with Disabilities Comments at 4.

critical telephone access to a significant number of Americans who might otherwise not be able to make or receive calls from others.

TRS and other telecommunications services are also critical tools for employment, providing other opportunities for people with hearing and speech disabilities. To a person seeking to enter and succeed in today's job market, the ability to place a telephone call to a prospective employer, answer an employment advertisement, receive training and advance one's career through formal and informal "networking" depends in large part on that person's ability to communicate with many different individuals and entities.⁷ If a person with a hearing or speech disability cannot communicate by telephone or a computer with telecommunications capabilities, that person's ability to compete and succeed in today's job market is significantly limited. Therefore, access to various TRS and other services can help individuals with speech and hearing disabilities enjoy some of the benefits of society that many people take for granted. These individuals should not be denied equal access to available communication technologies that have been available in the libraries and schools to those without disabilities. This development would be an important step toward making community participation fully accessible to everyone either with or without a disability.

In part to address the needs of the individuals that fall into these categories, Title IV of the Americans with Disabilities Act of 1990 ("ADA"), which is codified at Section 225 of the Communications Act of 1934, as amended ("Communications Act"), requires the Commission to ensure that TRS is available, to the extent possible and in the most efficient manner, to individuals with hearing and speech disabilities in the United States.⁸ The FCC has undertaken an effort to make such access widely available through implementation of rules intended to

⁷ *Id.*

⁸ Pub. L. No. 101-336, § 401, 104 Stat. 327, 366-69 (1990) (adding section 225 to the Communications Act of 1934, as amended, 47 U.S.C. § 225).

improve the quality of traditional relay services and lead to the widespread establishment of new types of relay services;⁹ however, increased availability of equipment and services does little to help those individuals that do not even know such services exist.

Individuals with speech and hearing disabilities are often very isolated from or cannot fully use information that would alert them to needed telecommunications services. At the same time, there is little awareness of TRS. For individuals who have heard of these services, there is unfamiliarity with how the services work. Therefore, often there may be surprise or uncertainty encountered when receiving calls from a person using this equipment. Indeed, as the Commission noted, many people who are not familiar with or do not understand TRS hang up on callers utilizing such services.¹⁰ This lack of public awareness prevents TRS from achieving its Congressionally mandated objective of helping to bridge the gap between people with hearing and speech disabilities and people without such disabilities with respect to telecommunications services.¹¹ Therefore, it is essential that mechanisms exist to make available and disseminate information about TRS, STS and other services to the public. The Commission has an opportunity in this proceeding to follow-up on its efforts to improve the availability of telecommunications relay services and increase the use of such services, by developing rules to ensure that information about these services is also widely available in the libraries and schools that receive USF funding.

⁹ See In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, *Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 98-67, FCC 00-56 (rel. March 6, 2000) (“*TRS Order*”).

¹⁰ *Id.* at ¶ 104.

¹¹ *TRS Order* at ¶ 105.

B. Schools and Libraries are an Efficient Vehicle and the Support Fund is an Appropriate Mechanism to Provide Information on Telecommunications Relay Services and Other Services to the Public

Schools and libraries are uniquely situated to serve as a vehicle for dissemination of information about the availability of telecommunications relay services and other services to the public. Nearly every community or neighborhood contains a school, a library, or both. In addition, unlike many businesses or other institutions, schools and libraries are permanent fixtures in and are closely tied to their communities. They also serve an important function in their communities as repositories of information, educational and training facilities, and public awareness centers. Schools and libraries often sponsor or conduct community educational programs, seminars, and training programs in addition to simply posting or providing information to the public. In many areas, the schools are the focal point of the community for social, political and other community activities. Similarly, in most cases, a large portion of the community's population visits or uses the facilities of a particular school or library. Consequently, schools and libraries have numerous opportunities to make information available or actively distribute information to the public.

As noted in the Commission's NPRM, the Commission does not currently require that applicants under the support mechanism certify that they will use discounts in compliance with the ADA. As a result, the Commission is missing a significant opportunity to direct applicants and fund recipients to help provide information to the public about telecommunications services for people with disabilities. In particular, minor revisions to the current program will bring great benefits to individuals with speech and hearing disabilities, in furtherance of the Commission's goal to bring the advantages of today's rapidly developing telecommunications marketplace to a broader range of individuals. As noted above, schools and libraries are in a unique position to provide valuable information to the public about the availability, use and advantages of TRS,

STS and other services such as payphones, TTYs, hearing amplification tools, Braille-TTYs, state telecommunications equipment distribution programs, video remote interpreting, video conferencing, text interpreting, computer assisted real-time captioning and other emerging new technologies. However, without a requirement that these entities comply with the ADA requirements in general and, in particular, make information about such service available, it is unlikely that applicants and existing support fund recipients will do so on their own.

For this reason, TDI supports the suggestion that the Commission require applicants to certify that the services for which they seek discounts will be used in compliance with the ADA and related acts and, recommends further: (1) that such certification include compliance with the Individuals with Disabilities Education Act of 1975 ("IDEA"),¹² and (2) applicants be required to certify that they will make available to the public information about TRS, and other services for individuals with hearing and speech disabilities. In order to ensure that efforts to provide information to the public about the availability and use of telecommunications relay services and other services are not impeded by or overshadowed by a general requirement to comply with the ADA and the IDEA, TDI recommends that the requirement be a separate, specifically identified requirement of the application process rather than part of an overall ADA or IDEA compliance requirement. At a minimum, applicants should be specifically required to certify that they will include information regarding telecommunications relay services and other services as part of any educational, out reach or public awareness program(s) they provide and will otherwise make such information generally available to the public through normal channels (*e.g.*, specific requests, newsletters, public bulletins, and fliers).

For the cost of a web-cam, a library can designate a computer to be used for video relay. All IP Relay and Video Relay calls are done at no charge to the library. Such calls are currently

or will be reimbursed by National Exchange Carriers Association (NECA) to the relay service providers. Currently, video relay calls are reimbursable by the NECA. The FCC will vote on April 18 on whether to reimburse for IP relay calls through NECA.

A specific requirement that applicants use reasonable efforts to provide information about telecommunications services for individuals with speech and hearing disabilities, together with appropriate enforcement mechanisms, not only will ensure greater distribution of critical information, and thus increased public awareness, but also will provide an incentive to applicants and fund recipients alike to comply with their obligations. It is important that any requirement, whether generally applicable to ADA or IDEA compliance, or specifically applicable to the provision of information concerning TRS and other services, be combined with appropriate audit and enforcement measures to ensure compliance.

Therefore, TDI recommends that the Commission adopt specific rules authorizing the Administrator to require independent audits of applicants and recipients for ADA/IDEA and related laws compliance and evidence of outreach services on TRS and other services. TDI further recommends that any new rules requiring certification of ADA/IDEA and related laws compliance also include provisions revoking a recipient's eligibility for discounts for failure to comply with such certification. Finally, TDI recommends that the Commission adopt rules that prohibit applicants and others that engage in willful or repeated failure to comply with the Commission's rules from participating in the program for a specified number of years based upon the scope and frequency of such violations.

C. Other Recommendations

In addition to its specific recommendations described above, TDI submits several general recommendations and expresses its support for a number of the Commission's proposed rule

¹² 20 U.S.C. §§ 1400, *et seq.*

changes. TDI believes that the Commission's proposed revisions will improve the quality, integrity and effectiveness of the schools and libraries support fund mechanism.

1. Eligibility of Wireless Services

In determining whether and how to broaden the eligibility of wireless services to encompass changing wireless technologies, the Commission must consider the implications of such changes on individuals with disabilities, in particular, those with hearing or speech disabilities. For example, while most telecommunications relay services and other equipment for individuals with hearing or speech disabilities function properly in conjunction with most analog wireless technologies, many new digital wireless technologies are not compatible with some hearing aids and text telephones ("TTY"). Consequently, as wireless providers switch to newer digital technologies, and replace their analog facilities, some individuals with speech or hearing disabilities may lose the ability to access those services. TDI supports the continued development and deployment of additional wireless technologies, including digital technologies, but cautions against the wholesale replacement of existing technologies that are compatible with TTY, hearing-aids and other devices designed to benefit individuals with hearing or speech disabilities, and their contacts.

2. Discounts for Internet Content

The goal of the Commission's policy toward broadband services, including both Internet access and Internet content, should be that such services are accessible for all Americans. The special needs of persons with disabilities should be an important consideration in this policymaking process, both in the types of services offered, and how they are provided, and in the rates for those services. Some services may be provided through market forces, but others may need to be established through legislative or regulatory directives, such as the rules the

Commission is considering in this proceeding. That said, in developing rules for schools and libraries discounts related to bundling Internet content, the Commission should consider the special needs of individuals with speech and hearing disabilities. For example, if the eligible Internet content includes streaming video, it should also include captioning, and for every audio message related to such content, there should also be a visual or text message.

3. Choice of Payment Method

TDI supports the Commission's proposal to require service providers to give applicants the option of either paying the full cost of services up front, and seeking reimbursement via the Billed Entity Applicant Reimbursement process, or paying only the non-discounted portion up front. TDI favors the second option because it reduces the burden on the applicant both monetarily, through the lower, discounted payment, as well as administratively, by eliminating the need to reconcile payments and reimbursement. Nonetheless, giving applicants the option of selecting one method or the other will improve program operation.

TDI also supports the Commission's proposal to incorporate enforcement mechanisms into the remittance process in order to ensure timely remittance of reimbursements. One purpose for the schools and libraries universal service support mechanism is to assist schools and libraries to provide educational and other services to the public by offering discounted telecommunications services to those entities. A key element of this purpose is the timely submission of reimbursements.

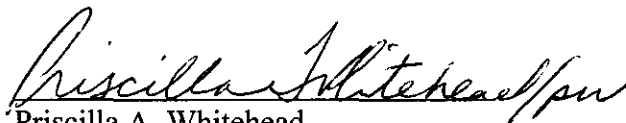
III. CONCLUSION

TDI applauds the Commission's efforts to consider requiring schools and libraries to expand availability of telecommunications relay services and other telecommunications services to individuals with disabilities through the universal service mechanism and rules such as those adopted in the *TRS Order*. However, in order for the individuals that need these services most to

benefit fully from the services, the public must be made aware of these services, where they can be obtained, and how they function. The universal service support mechanism is a valuable tool through which the Commission can ensure that schools and libraries -- entities with important, highly-visible presences in their communities -- assist in making information about telecommunications relay services and other services available to the public. TDI's recommendations, if adopted by the FCC, will enhance the contribution of schools and libraries to accessible community living. Such result would be empowering, and mutually beneficial to people with disabilities, including those with hearing or speech disabilities, as well as those without disabilities. The FCC, through its statutory and regulatory authority has a wonderful opportunity to use the Universal Service Fund to promote and implement full accessibility in two key community entities, the libraries and the schools throughout America.

Respectfully submitted,

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Dated: April 5, 2002